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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/709,344	04/29/2004	Georg Reinbold	P7482US	3343
30008	7590	05/31/2006	EXAMINER	
GUDRUN E. HUCKETT DRAUDT				BREAN, LAURA MICHELLE
LONSSTR. 53				ART UNIT
WUPPERTAL, 42289				PAPER NUMBER
GERMANY				3724

DATE MAILED: 05/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/709,344	REINBOLD ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	Laura M. Brean	3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-12 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-12 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 4/29/2004 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ . |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)               |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>1/13/2005</u> . | 6) <input type="checkbox"/> Other: _____ .  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the language should not repeat information given in the title. Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

On page 6, paragraph [0021], lines 5-6, recite the phrase "It has a controllable drive." It would be clearer to state that -- The transport device has a controllable drive--.

On page 11, paragraph [0029], line 6, "light scanneris" should be changed to -- light scanner is--.

Appropriate correction is required.

### ***Claim Objections***

3. Claim 6 is objected to because of the following informalities:

Claim 6, line 1, "to minimize abetween" should be changed to -- to minimize a distance between--.

Appropriate correction is required.

### ***Claim Objections***

4. Claim 8 is objected to because of the following informalities: It is suggested that it would be more appropriate to say that instead of a "quality of the pieces of wood is measured", that --the defects of the pieces of wood are measured--, or similar language.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-3, and 6-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Murray (U.S. Publication 2002/0069937). Murray discloses a method for sawing pieces of wood in a sawing station, the method comprising the steps of: a) measuring the pieces of wood in a measuring station (parallel log scanners, 56,57; paragraph [0053]); b) sequentially transporting (conveyors 54,55 and 314) the pieces of wood from the measuring station to a sawing station (buck sawing apparatus, 26); c) cutting the pieces of wood in the sawing station into at least two sections based on measured results taken in step a)(paragraph [0038]); wherein the step b) a second piece of wood that trails immediately a first piece of wood being cut in the sawing station is already transported into the sawing station while the first piece of wood is still being cut (paragraph [0041]) where in the step b) a feeding velocity of the second piece of wood is selected (paragraph [0038] and paragraph [0053]); and such that the second piece of wood does not contact the first piece of wood within the sawing station.

In regards to claim 2, Murray discloses the step of controlling the feeding velocity of the second piece of wood (paragraph [0038] and paragraph [0053]).

In regards to claim 3, Murray discloses the step of controlling the feeding velocity of the second piece of wood is controlled variably (paragraph [0038] and paragraph [0053]).

In regards to claim 6, Murray discloses wherein a feeding velocity of the second piece of wood is controlled so as to minimize between the first and second pieces of wood (paragraphs [0038] and [0041]).

In regards to claim 7, Murray discloses wherein, in the step a), a length of the pieces of the wood is measured (paragraph [0038]). The log is first scanned with log scanners 56,57

In regards to claim 8, Murray discloses wherein a quality of the pieces of wood is measured. As the log is first scanned with log scanners 56,57, and defects of the wood are also scanned.

In regards to claim 9, Murray discloses comprising step of saving the measured results (as they are transferred to the cut-off saw).

In regards to claim 10, Murray discloses the step of controlling the feeding velocity of the second piece of wood, wherein the measured results that are saved are used for controlling the feeding velocity.

In regards to claim 11, Murray discloses in the step b) the second pieces of wood are supplied without interruption to the sawing station (paragraph [0041]).

In regards to claim 12, Murray discloses the step of decoupling a drive for transporting the pieces of wood to the sawing station from a drive of the sawing station (paragraph [0048], as the log is transferred from the conveyor to the hourglass roll).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murray in view of Bolton et al. (U.S. Patent 4,934,228), herein referred to as Bolton. Murray discloses the claimed invention except the step of continuously monitoring a position of the pieces of wood, wherein the control unit calculates the feeding velocity based upon the continuously monitored positions of the pieces of wood. However, attention is directed to the Bolton device that discloses a system of diverting veneer sheets having off size defects. The system includes a set of scanners, 40,42 such that detection of an off size defect by the scanners is conveyed to the computer, so that the computer keeps track of the position of the defect as it moves along the conveyor 36. The movement of the in-feed conveyor is tracked by an encoder 50 connected positioned at the end of the in-feed conveyor 36. Whereas the conveyor may be simply driven at a desired speed and that speed input to the computer 38, it is preferable to use the encoder 50, which monitors the conveyor movement. Therefore, the encoder 50 continuously monitors the pieces of wood, where their defect position is relayed to the computer (controller), and where the conveyor's speed is variable based upon the wood's position. It would have been obvious to modify the variable speed conveying

means of Murray in view of the teachings of Bolton as a function of continuous monitoring of the positions of the wood's defects in order to control the cutting and removal of the defects.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Publication 2006/0037450 to Pobuda et al. and U.S. Patent 4,640,160 to Hards, U.S. Patent 4,887,219 to Strauser, U.S. Patent 4,907,294 to Bolton et. al and U.S. Publication 2004/0216808 disclose a scanner, conveyor and controller for processing the data received from the scanner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura M. Brean whose telephone number is (571) 272-8339. The examiner can normally be reached on Monday through Friday, 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3724

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMB  
05/24/2006



KENNETH E. PETERSON  
PRIMARY EXAMINER